

## **IC 20-3-11**

### **Chapter 11. Indianapolis Public Schools**

#### **IC 20-3-11-1**

##### **Applicability of chapter; "school city" defined; board of school commissioners; powers and duties**

Sec. 1. (a) This chapter applies to a common school corporation that:

- (1) is located in whole or in part in the most populous township in a county having a population of more than seven hundred thousand (700,000); and
- (2) serves the largest geographical territory of any school corporation in the township.

(b) The term "the school city" is used in this chapter to signify any school corporation to which this chapter is, or may become applicable. The government, management, and control of all common schools and common school libraries in such school city corporation shall be and are hereby vested in a board of school commissioners (sometimes called "the board" in this chapter) which shall consist of seven (7) school commissioners.

(c) The corporate name of such school city shall be "The Board of School Commissioners of the City of \_\_\_\_\_" (the blank being filled with the name of such civil city), and by that corporate name the said school city shall contract, be contracted with, sue, and be sued.

(d) Said board of school commissioners shall have and exercise all of the following powers:

- (1) The powers conferred upon school cities by Acts 1871, c.15.
- (2) The powers conferred by law as of March 9, 1931, on boards of school commissioners in cities having a population of one hundred thousand (100,000) or more.
- (3) Those powers conferred by all laws in effect as of March 9, 1931, on boards of school commissioners in cities having a population of more than two hundred thousand (200,000) or more than three hundred thousand (300,000).
- (4) Those powers conferred under IC 20-5-1 through IC 20-5-6, except as otherwise provided in this chapter.

Each such board of school commissioners provided for by this chapter, in its respective school city, shall be liable for and shall pay and discharge all of the indebtedness, liabilities, and obligations of any board of school commissioners elected in such school city under any of the statutes listed in this subsection and under this chapter. The board shall, on March 9, 1931, be vested with the title and ownership of all property of every kind of such existing school city. *(Formerly: Acts 1931, c.94, s.1; Acts 1955, c.123, s.1; Acts 1969, c.283, s.1.) As amended by P.L.2-1988, SEC.445; P.L.12-1992, SEC.92.*

#### **IC 20-3-11-2**

##### **Board of school commissioners; qualifications; conflicts of interest;**

**oath; compensation**

Sec. 2. (a) Each member of the board of school commissioners must be a resident voter of the school city, and must have been a resident for at least one (1) year immediately preceding the member's election. A board member may not serve in any elective or appointive office under the board of school commissioners or under the government of the civil city while serving on the board. A board member may not knowingly have a pecuniary interest (as defined in IC 35-44-1-3(g)) in any contract or purchase with the school city in which the member is elected. If, at any time after the member is elected to the board, a board member knowingly acquires a pecuniary interest in any contract or purchase with the school city, the member shall be disqualified to continue as a member of the board, and a vacancy in the office is created.

(b) Each member of the board shall, before assuming the duties of office, take an oath, before a person qualified to administer oaths, that:

- (1) the member possesses all the qualifications required by this chapter for membership on the board;
- (2) the member will honestly and faithfully discharge the duties of office;
- (3) the member will not, while serving as a member of the board, become interested, directly or indirectly, in any contract with or claim against the school city, except as authorized by law; and
- (4) in the performance of official duties as a member of the board, including the selection of its officers, agents, and employees, the member will not be influenced by any consideration of politics or religion and that the member will be controlled in the selection only by considerations of the merits, fitness, and qualifications of the persons to be selected.

(c) The members of the board are entitled to receive compensation not to exceed the amount allowed under IC 20-5-3-6 and a per diem not to exceed the rate approved for members of the city-county council established under IC 36-3-4 for attendance at each regular and committee meeting as determined by the board.

*(Formerly: Acts 1931, c.94, s.2; Acts 1963, c.310, s.3; Acts 1973, P.L.175, SEC.4.) As amended by Acts 1981, P.L.191, SEC.1; P.L.20-1984, SEC.198; P.L.196-1989, SEC.1; P.L.197-1989, SEC.1; P.L.1-1990, SEC.231; P.L.4-1998, SEC.3.*

**IC 20-3-11-3 Repealed**

*(Repealed by Acts 1975, P.L.228, SEC.2.)*

**IC 20-3-11-3.1****Board of school commissioners; election procedures; vacancies**

Sec. 3.1. (a) The board of school commissioners consists of seven (7) members. Each member shall be elected on a nonpartisan basis in primary elections held in the county as specified in this section. Five (5) of the members shall be elected from the school board

districts in which they reside and two (2) members shall be elected at large. Not more than two (2) of the members who serve on the board may reside in the same school board district. When a candidate runs for one (1) of the district positions on the board, only eligible voters residing in the candidate's district may vote for that candidate. When a person is a candidate for one (1) of the at-large positions, eligible voters from all the districts may vote for that candidate. When a candidate files to run for a position on the board, the candidate must specify whether the candidate is running for a district or an at-large position. All members elected to the board serve four (4) year terms. A candidate who runs for a district or an at-large position wins if the candidate receives the greatest number of votes of all the candidates against whom the candidate runs. Districts shall be established within the school corporation by the state board of education. The districts shall be drawn on the basis of precinct lines and as nearly as practicable, of equal population with the population of the largest not to exceed the population of the smallest by more than five percent (5%). District lines must not cross precinct lines. The state board of education shall establish balloting procedures for the election under IC 3 and other procedures required to implement this section.

(b) Each member of the board of school commissioners serves under section 2 of this chapter. The vacancies in the board of school commissioners shall be filled temporarily by the school board as soon as practicable after the vacancy occurs. The member chosen by the board to fill a vacancy holds office until the member's successor is elected and qualified. The successor shall be elected at the next regular school board election occurring after the date on which the vacancy occurs, at which time the vacancy shall be filled for the remainder of the term.

(c) Persons elected to serve on the board begin their terms on July 1 of the year of their election.

(d) Notwithstanding any law to the contrary, voters shall cast their votes for school board candidates by voting system or paper ballot. However, the same method used to cast votes for all other offices for which candidates have qualified to be on the election ballot must be used for the school board offices.

*(Formerly: Acts 1975, P.L.228, SEC.1.) As amended by Acts 1981, P.L.191, SEC.2; P.L.20-1984, SEC.42; P.L.10-1988, SEC.219; P.L.38-2003, SEC.1.*

#### **IC 20-3-11-4**

##### **Board of school commissioners; organization**

Sec. 4. The board of school commissioners in a school city shall organize in the manner set forth in IC 20-5-3-1.

*(Formerly: Acts 1931, c.94, s.4; Acts 1951, c.46, s.1; Acts 1963, c.310, s.2; Acts 1969, c.283, s.2.) As amended by P.L.195-1985, SEC.2.*

#### **IC 20-3-11-5**

**Standing committee; appointments; hiring and compensation of officers and employees**

Sec. 5. (a) The members of all standing committees of the board provided for by its rules shall be appointed by the president within three (3) weeks after election to the office of president.

(b) Subject to the limitations in this chapter, the board shall have power to fix salaries of all officers and employees of the board. The board, in electing and choosing its general superintendent and all other agents and employees that the business of the school corporation may in the board's judgment require to be employed, shall choose persons who in the judgment of the board possess qualifications peculiarly fitting the persons respectively for the positions the persons are to occupy, and the board shall, from time to time and as in its judgment the best interests of the school corporation may require, contract for and establish the amount of salary or compensation to be paid to each such officer, agent, and employee chosen or elected by the board. The board shall adopt such schedule of salaries as the board considers proper, and for that purpose may divide all teachers, principals, and other employees into classes based upon efficiency, qualifications, experience, and responsibility, and each principal, teacher, or employee in any one (1) of such classes shall receive the same regular salary as is given to each of the other members of the same class, subject to IC 20-3.1.

(c) The board shall have power:

(1) by rules to fix the time and the number of meetings of the board except that one (1) regular meeting shall be held in each calendar month; and

(2) to make, amend, and repeal bylaws and rules for:

(A) the board's own procedure; and

(B) the government and management of:

(i) the board's schools; and

(ii) property under the board's control.

*(Formerly: Acts 1931, c.94, s.5; Acts 1951, c.46, s.2; Acts 1969, c.283, s.3.) As amended by P.L.2-1988, SEC.446; P.L.196-1989, SEC.2; P.L.340-1995, SEC.49.*

**IC 20-3-11-6**

**Written resolutions mandatory**

Sec. 6. Every legislative act of the board shall be by written resolution.

*(Formerly: Acts 1931, c.94, s.6; Acts 1951, c.46, s.3.)*

**IC 20-3-11-7**

**Election and compensation of officers and employees**

Sec. 7. The board shall have power to determine the number of its employees and to prescribe their duties and fix their compensation. The board shall adopt rules for obtaining, by open competition and without regard to religious or political belief, lists of candidates from which all teachers and all other officers and employees shall be selected and their selection shall be made with regard only to their

fitness under the rules so adopted.

*(Formerly: Acts 1931, c.94, s.7; Acts 1951, c.46, s.4; Acts 1969, c.283, s.4.)*

#### **IC 20-3-11-8**

##### **General superintendent; appointment; term; compensation**

Sec. 8. The board shall appoint a general superintendent whenever, by reason of the expiration of the term of the incumbent general superintendent, or by reason of his death, resignation, or removal from office, a vacancy in the office of general superintendent shall occur or be imminent. The board's election of a general superintendent shall be effected by resolution of the board, in which shall be specified the day on which the general superintendent's term shall begin and the day on which the general superintendent's term shall end, but the board shall be without power to appoint a general superintendent for a term longer than four (4) years. The general superintendent's salary shall be prescribed in the resolution declaring his appointment and shall be paid to him not less frequently than monthly, as the board shall fix. It shall be the duty of the board to act upon the recommendations of the general superintendent, to make all other such decisions and perform all other such duties as fall within the general framework of the laws of the state.

*(Formerly: Acts 1931, c.94, s.8; Acts 1951, c.46, s.5; Acts 1969, c.283, s.5.)*

#### **IC 20-3-11-9**

##### **General superintendent; administrative duty; fiscal duty**

Sec. 9. It shall be the duty of the general superintendent to act as general administrator of said school city and to make recommendations to the board concerning the conduct of the schools, the employment and dismissal of personnel, the purchase of supplies, the construction of buildings, and all other matters pertaining to the conduct of the schools within the general framework of the school laws of this state. It shall be his duty to attend all meetings of the board except when his appointment is under consideration, to carry out the orders of the board, and to make all other decisions and perform all other duties that may be prescribed by law or which may reasonably fall within his power and jurisdiction.

Every payment made from moneys of the board shall be made (a) in accordance with budget appropriations or (b) (in the case of any payment from any fund of the board that is not subject to budgeting and appropriation but has been transferred to the board for specific purposes) in accordance with the terms upon which the fund being drawn upon was made available to the board and after the general superintendent shall have approved the proposed payment or (c) (in the case of any payment from any fund of the board that is not subject to the budgeting and appropriation and is unrestricted as to purposes for which it may be expended) in accordance with the prior direction of the general superintendent or pursuant to the prior order

of the board. Within thirty (30) days after any such payment shall have been made from any fund of the board, the general superintendent shall report the fact of such payment to the board for approval.

*(Formerly: Acts 1931, c.94, s.9; Acts 1933, c.74, s.1; Acts 1941, c.185, s.1; Acts 1951, c.46, s.6; Acts 1969, c.283, s.6.)*

#### **IC 20-3-11-10**

##### **Appointment or discharge of employees; hearings; appeal**

Sec. 10. (a) All appointments or discharges of employees of the school city shall be:

- (1) made in conformity with the rules of the board; and
- (2) reported at the meeting of the board that follows the date of each appointment or discharge by the general superintendent.

(b) The superintendent's actions as reported are subject to the approval of the majority of the board.

(c) Any discharge shall operate as a suspension only until approved by the board.

(d) A school employee of the school city, except a probationary employee discharged prior to the end of the employee's probationary period, has a right to request a hearing before being discharged. Upon written request for a hearing from the school employee, the superintendent shall appoint a hearing examiner.

(e) The hearing examiner appointed by the superintendent under subsection (d) shall be any person on the school corporation's administrative staff, or its counsel, as long as the hearing examiner:

- (1) did not recommend the discharge of the employee;
- (2) will not be a witness at the hearing; and
- (3) has no involvement in the recommendation to discharge the employee.

(f) The hearing examiner shall make a written report of findings and conclusions and submit the report to the superintendent.

(g) An employee may appeal in writing an adverse decision of the hearing examiner to the board. Upon appeal, the board shall review the decision of the hearing examiner and may receive additional evidence or testimony.

(h) The board shall adopt rules and procedures that afford an employee, other than a probationary employee, the right to a hearing and the right to appeal under this section.

(i) This section does not apply to teachers.

*(Formerly: Acts 1931, c.94, s.10; Acts 1941, c.185, s.2; Acts 1951, c.46, s.7; Acts 1969, c.283, s.7.) As amended by P.L.194-1985, SEC.1.*

#### **IC 20-3-11-11**

##### **Appropriations by board**

Sec. 11. (a) No money shall be drawn from the treasury of the board except for appropriations made by the board and made upon an aye and nay vote duly recorded in the board's minutes.

(b) No appropriations shall be made for a period extending

beyond December 31 of the current calendar year.

(c) Except as provided in IC 20-3.1, at the end of the fiscal year all unexpended balances of all appropriations, except appropriations from tuition funds and the capital projects fund, revert to the board's general fund.

(d) General fund money that has been obligated, but not paid, at the end of the fiscal year may be paid without a new appropriation. Except as provided in IC 20-3.1, no money so obligated shall revert to the board's general fund at the end of the fiscal year in which the money has been appropriated, unless the board shall, by affirmative act, cause the money to revert.

*(Formerly: Acts 1931, c.94, s.12; Acts 1951, c.46, s.8; Acts 1969, c.283, s.8.) As amended by P.L.203-1983, SEC.1; P.L.41-1993, SEC.34; P.L.340-1995, SEC.50.*

### **IC 20-3-11-12**

#### **Books, accounts, and vouchers of board; examination**

Sec. 12. The books, accounts and vouchers of the board and of all of its officers and employees shall be subject to examination by the Indiana state board of accounts at such times as the said state board may select and all of the officers and employees of the board shall, on request of said state board, produce and submit to said state board for examination all books, papers, documents, vouchers, accounts and records of the board in or belonging to their respective offices and shall in every way assist said state board in its work in making such examinations.

*(Formerly: Acts 1931, c.94, s.14.)*

### **IC 20-3-11-13**

#### **Treasurer's receipts for payments**

Sec. 13. All moneys payable to the board shall be paid to its treasurer and his receipt for the same shall be filed with the business manager of the board and, thereupon, the business manager shall issue his quietus therefor, which alone shall be sufficient evidence of such payment. No person except the treasurer of the board shall collect or receive any moneys payable to the board and any payment made, except to the treasurer, and any receipt given therefor by any other person shall be void as against the board.

*(Formerly: Acts 1931, c.94, s.15; Acts 1951, c.46, s.10.)*

### **IC 20-3-11-14**

#### **Contracts or obligations; appropriations**

Sec. 14. A contract or obligation is not binding upon the board unless the board makes an appropriation for the contract or obligation.

*(Formerly: Acts 1931, c.94, s.16.) As amended by Acts 1978, P.L.2, SEC.2002; P.L.197-1989, SEC.2.*

### **IC 20-3-11-15**

#### **Contracts involving more than \$75,000; bidding for supplies and**

**materials**

Sec. 15. (a) All contracts involving more than seventy-five thousand dollars (\$75,000) in amount shall be:

- (1) in writing; and
- (2) executed in the name of the board by:
  - (A) the board's business manager; or
  - (B) other board designated employee; and
- (3) approved by the board.

(b) When money for a contract or purchase has been appropriated by the board, the designated employee may make contracts and purchases not exceeding seventy-five thousand dollars (\$75,000) in amount in any one (1) transaction. All contracts and purchases under this subsection shall be reported to the board at its next regular meeting.

(c) No purchase of supplies or of materials of any kind shall be made from one (1) person, firm, limited liability company, or corporation at any one (1) time or in any one (1) transaction to an amount in the aggregate of more than ten thousand dollars (\$10,000) except upon bids duly advertised for and accepted. The board shall determine the mode and manner of advertising for bids for supplies and material.

*(Formerly: Acts 1931, c.94, s.17; Acts 1951, c.46, s.11; Acts 1955, c.307, s.2; Acts 1965, c.417, s.1; Acts 1969, c.283, s.9.) As amended by Acts 1979, P.L.202, SEC.1; P.L.8-1993, SEC.255; P.L.340-1995, SEC.51.*

**IC 20-3-11-16**

**School building improvements; bidding procedure**

Sec. 16. Subject to the exception that is set out in the last sentence of this section, whenever the board determines to build or enlarge or make alterations in or improvements on any school or other building owned by the board, the cost of which shall be estimated to be more than ten thousand dollars (\$10,000), the business manager or other board-designated employee shall advertise for bids by one (1) insertion each week for three (3) weeks, the first insertion of said advertisement being at least twenty-one (21) days next before the bids are to be opened. The advertisement shall be inserted in two (2) newspapers of general circulation in the city and shall be entered in full in the minutes of the board. In all cases where bids are taken in pursuance of this section they shall be enclosed by the bidder in an envelope sealed by him and shall be presented to the board or the bid committee of the board at the time and place fixed by the advertisement, and the board or said committee shall meet at that time and place. No bid shall be received after the time named in the advertisement, and, at the hour so named, the business manager in the presence of the board or said committee shall open all of the bids and they shall then be publicly read by the designated employee and be immediately thereafter entered in full in the records of the board. The board shall, by general rules, specify the conditions of all bids, but none but the lowest and best bids from responsible bidders shall



be accepted. The board, in its discretion, may, where it has reason to suspect collusion among bidders, reject the bids of all bidders concerned in such collusion. Notwithstanding the foregoing provisions of this section, whenever the board shall by formal vote determine that the cost of any such building, enlargement, alteration, or improvement will not be more than fifteen thousand dollars (\$15,000) and that the board intends to do the work by the labor of its own employees, it shall be lawful for the board so to do said work without bids or advertising for bids.

*(Formerly: Acts 1931, c.94, s.18; Acts 1951, c.46, s.12; Acts 1969, c.283, s.10; Acts 1972, P.L.160, SEC.1.) As amended by Acts 1979, P.L.202, SEC.2.*

#### **IC 20-3-11-17**

##### **Bids for purchase of supplies, land, or building improvements; opening and tabulating**

Sec. 17. The provision of any other act notwithstanding, the board of school commissioners may designate a committee of the board which may consist of employees or officers of the board for the purpose of opening or tabulating bids for the purchase of supplies, material, equipment, or for the purchase of land, or for the building, enlargement, or alteration of any school buildings, or for any other purposes, at the time and place fixed by the advertisement. At such time, said committee of the board shall open and tabulate all bids which are presented to it, and such bids shall be read and tabulated publicly and shall be immediately thereafter entered upon the record of the board and reported to the board at its next meeting: Provided, however, That no bid shall be accepted or rejected by such committee of the board, but such bid shall be accepted or rejected by the board of school commissioners in official board meeting.

*(Formerly: Acts 1931, c.94, s.18a; Acts 1963, c.92, s.1; Acts 1969, c.283, s.11.)*

#### **IC 20-3-11-18**

##### **Tax levies by board of school commissioners**

Sec. 18. Every such board of school commissioners shall have, as respects the levy of taxes by it, power annually to levy such amount of taxes as in the judgment of said board, made matter of record in its minutes, should be levied to produce income sufficient to conduct and carry on the work committed to such board, and it is hereby made the duty of said board annually to levy a sum sufficient to meet all payments of principal and interest as they will mature in the year for which such levy is made on the bonds, notes or other obligations of said board, and the fund arising from any levy made by such board shall be known as its "general fund." Said general fund may lawfully be used by said board for any purpose within the scope of the duties of such board as imposed by law.

*(Formerly: Acts 1931, c.94, s.19; Acts 1969, c.283, s.12.)*

#### **IC 20-3-11-19**

**School building bonds; issuance; school funding bonds; issuance; procedure**

Sec. 19. (a) The board of school commissioners of each such city shall have power from time to time, as the need may arise, to borrow money and issue the bonds of said school city, to be known as "school building bonds," to supply said school city with funds to buy real estate and to erect buildings for school or administrative purposes and to enlarge, remodel and repair such buildings, or for any one or more of said purposes, but the proceeds of the sale of such bonds shall be used for no purpose other than one or more of the said above mentioned purposes.

(b) It shall also have power from time to time, as the occasion may arise, to issue the bonds of said school city, to be known as "school funding bonds," to take up and retire the principal and accrued interest of any bonds of said school city then outstanding which, in the opinion of the board of school commissioners thereof, can to the advantage of said school city be refunded, and no "school funding bond" shall be issued or the proceeds thereof used for any purpose other than to refund or take up and discharge bonds of said school city then outstanding, and any pre-existing bonds for which said school city is by this chapter made liable shall be bonds of said school city within the meaning of this provision.

(c) Preparatory to the issuance of any bond under the authority hereby given, the board of school commissioners of said school city shall, by resolution made matter of record in its corporate minutes, show, in the case of "school building bonds," the particular need for the money and the inability of the school city to supply the money proposed to be raised by the bonds so to be issued from any other fund in its hands applicable to such purpose, and, in the case of "school funding bonds," a description of the bonds to be taken up, their kind, date, date of maturity, and amount. Any bonds issued under the authority of this section, whether "school building bonds" or "school funding bonds," shall be serial bonds and shall bear interest at any rate payable semiannually, and shall mature at such time or times as shall be fixed in said resolution. No bond so to be issued shall be delivered until the price therefor shall be paid to the treasurer of said school city, in money in case of "school building bonds," or in money or bonds to be refunded in case of "school funding bonds," and no interest shall accrue on any such bond before its delivery. Such bonds shall be payable to bearer and shall be of the general form usual in municipal bonds. Preparatory to the offering of any bonds authorized by this section for sale, the board of school commissioners shall give three (3) weeks' notice of the date fixed for the sale of such bonds, with a description thereof and inviting bids therefor; such notice shall be given by advertising by three (3) insertions, one (1) time each week for three (3) consecutive weeks next before the day of sale, in one (1) newspaper of general circulation, published in and circulating in the city of Indianapolis, Indiana, and by such other advertisements as the board may order made. The board shall sell the bonds to the highest and best bidder

and shall reserve the right to reject any or all bids. The proceeds arising from such sale shall be used for no purpose other than the purpose declared in the resolution of the board, nor for a purpose not mentioned in this section.

*(Formerly: Acts 1931, c.94, s.20; Acts 1969, c.283, s.13.) As amended by Acts 1981, P.L.11, SEC.100.*

#### **IC 20-3-11-20**

##### **Temporary loans for general fund; borrowing procedure**

Sec. 20. Each such board of school commissioners may from time to time, whenever its general fund shall be exhausted or in the board's judgment be in danger of exhaustion, make temporary loans for the use of its general fund to be paid out of the proceeds of taxes theretofore levied by such school city for its general fund. The amount so borrowed in aid of said general fund shall be paid into said general fund and may be used for any purpose for which the said general fund lawfully may be used. Any such temporary loan shall be evidenced by the promissory note or notes of said school city, shall bear interest at not more than seven per cent (7%) per annum, interest payable at the maturity of the note or periodically, as the note may express, and shall mature at such time or times as the board of school commissioners may decide, but not later than one (1) year from the date of the note. No such loan or loans made in any one (1) calendar year shall be for a sum greater than the amount estimated by said board as the proceeds to be received by it from the levy of taxes theretofore made by said school city in behalf of its said general fund. Successive loans may be made in aid of said general fund in any calendar year, but the aggregate amount thereof, outstanding at any one (1) time, shall not exceed such estimated proceeds of taxes levied in behalf of the said general fund.

No such loan shall be made until notice asking for bids therefor shall have been given by newspaper publication, which publication shall be made one (1) time in a newspaper published in said city and said publication shall be at least seven (7) days before the time when bids for such loans will be opened. Bidders shall name the amount of interest they agree to accept not exceeding seven per cent (7%) per annum, and the loan shall be made to the bidder or bidders bidding the lowest rate of interest. The note or notes or warrants shall not be delivered until the full price of the face thereof shall be paid to the treasurer of said school city, and no interest shall accrue thereon before such delivery.

Any such school corporation wishing to make a temporary loan in aid of its general fund, finding that it has need to exercise the power in this section above given to make a temporary loan, which has in its treasury money derived from the sale of bonds, which money derived from the sale of bonds can not or will not, in the due course of the business of said school city, be expended in the then near future, may, if it so elects, temporarily borrow, and without payment of interest, from such bond fund, for the use and aid of said general fund in the manner and to the extent hereinafter expressed, viz.: Such

school city shall, by its board of school commissioners, take all the steps required by law to effect such temporary loan up to the point of advertising for bids or offers for such loans; it shall then present to the department of local government finance of the state of Indiana, and to the state board of accounts of the state of Indiana, a copy of the corporate action of said school city concerning its desire to make such temporary loan and a petition showing the particular need for such temporary loan, and the amount and the date or dates when said general fund will need such temporary loan, or instalments of such loan, and the date at which such loan, and each instalment thereof, will be needed, and the estimated amounts from taxes to come into said general fund, and the dates when it is expected such proceeds of taxes will be received by such school city in behalf of said general fund, and showing what amount of money said school city has in any fund derived from the proceeds of the sale of bonds, which can not or will not be expended in the then near future, and showing when and to what extent and why money in such bond fund, not soon to be expended, will not be expended in the then near future and requesting that the department of local government finance, and said state board of accounts, respectively, authorize a temporary loan from said bond fund in aid of said general fund.

If the department of local government finance shall find and order that there is need for such temporary loan, and that it should be made, and said state board of accounts shall find that the money proposed to be borrowed will not be needed during the period of the temporary loan by the fund from which it is to be borrowed, and the state board of accounts and the department of local government finance shall approve the loan, the business manager and treasurer of said school city shall, upon such approval by the state board of accounts and the department of local government finance, take all steps necessary to transfer the amount of such loans, as a temporary loan from the fund to be borrowed from, to said general fund of such school city. The loan so effected shall, for all purposes, be a debt of the school city chargeable against its constitutional debt limit.

The state board of accounts and the department of local government finance may fix the aggregate amount so to be borrowed on any one (1) petition and shall determine at what time or times and in what instalments and for what periods it shall be borrowed. The treasurer and business manager of such school city, from time to time, as money shall be collected from taxes levied in behalf of said general fund, shall credit the same on such loan until the amount borrowed is fully repaid to the lending fund, and they shall at the end of each calendar month report to the board the several amounts so applied from taxes to the payment of such loan.

The school city shall, as often as once a month, report to both the state board of accounts and the department of local government finance the amount of money then so borrowed and unpaid, the anticipated like borrowings of the current month, the amount left in the said general fund, and the anticipated drafts upon the lending bond fund for the objects for which that fund was created.

The state board of accounts and the department of local government finance, or either of them, may, if it shall seem to the board and department, or to either of them, that the fund from which the loan was made requires the repayment of all or of part of such loan(s) before its maturity or said general fund no longer requires all or some part of the proceeds of such loan, require such school city to repay all or any part of such loan, and, if necessary to perform the requirement, such school city shall exercise its power of making a temporary loan procured from others to raise the money so needed to repay the lending bond fund the amount so ordered repaid.

*(Formerly: Acts 1931, c.94, s.21; Acts 1951, c.46, s.13; Acts 1969, c.283, s.14.) As amended by P.L.90-2002, SEC.402.*

### **IC 20-3-11-21**

#### **Debt obligations; payment and retirement**

Sec. 21. Each school city shall provide for the payment and retirement of debt obligations of the school city in the manner provided under IC 20-5-4-5, IC 20-5-4-10, and IC 21-2-4.

*(Formerly: Acts 1931, c.94, s.22; Acts 1969, c.283, s.15.) As amended by P.L.195-1985, SEC.1.*

### **IC 20-3-11-22**

#### **Limitations on debt; eminent domain power of board of school commissioners**

Sec. 22. (a) The board of school commissioners may not create any debt in excess of twenty-five thousand dollars (\$25,000) in the aggregate, except as otherwise provided in this chapter, and except further debts as are on or after March 9, 1931, authorized by the general school laws of Indiana, including within the latter exception, but not by way of limitation, IC 21-4-20 and IC 20-5-1 through IC 20-5-6.

(b) Notwithstanding the provisions of subsection (a), the board is liable upon its lawful contracts with persons rendering services and furnishing materials incident to the ordinary current operations of its schools if the contracts have been entered into as provided in this chapter and in accordance with law. The obligations of the board to persons rendering services or furnishing materials may not be considered to be limited or prohibited by any of the provisions of this chapter.

(c) If the compensation to be paid for the purchase of any real estate or interest in real estate required by the board for its purposes cannot be agreed upon or determined by the board and the persons owning or having an interest in the land desired for its purposes or sites, the board of school commissioners has the power of eminent domain and shall proceed to have the compensation determined and to acquire the title to the real estate or interest in the real estate by action in court under IC 32-24. The right and power of the board to own and acquire real estate and interests in real estate in any of the manners and for any of the purposes specified in this chapter or by the general school laws of this state may not be limited to real estate

situated within the corporate boundaries of the civil city in which any school city is located. However, the right and power to acquire and own real estate extends to any parcel or trace of real estate the whole of which is situated:

(1) within one-half (1/2) mile of the nearest point on the corporate boundary of the civil city; or

(2) within, or within one-half (1/2) mile of the nearest point on the boundary of, any platted territory lying outside but contiguous to, or contiguous to another platted territory that is contiguous to, the corporate boundary of the civil city.

(d) "Platted territory", as used in subsection (c), means any territory or land area of which a plat has been recorded in the manner provided by the laws of Indiana pertaining to the recording of plats of land.

(e) Before acquiring any real estate or interest in real estate outside the corporate limits of the civil city, the board must, by resolution made a matter of record in its corporate minutes, find and determine that, in the judgment of the board, the real estate or interest in real estate to be acquired will be needed for the future purposes of the board. This chapter does not limit the right of any board to accept, own, and hold real estate or interest in real estate, wherever situated, that is acquired by the board by gift or devise.

*(Formerly: Acts 1931, c.94, s.23; Acts 1955, c.307, s.1; Acts 1969, c.283, s.16.) As amended by P.L.2-1988, SEC.447; P.L.2-2002, SEC.70.*

### **IC 20-3-11-23**

#### **Repealed**

*(Repealed by P.L.219-1987, SEC.1.)*

### **IC 20-3-11-24**

#### **Board of school commissioners; petition; hearing**

Sec. 24. (a) The board of school commissioners has all the powers and duties conferred upon such boards by existing statutes and by the general school laws of this state, including IC 20-5-1 through IC 20-5-6, so far as they are consistent with this chapter.

(b) The board of school commissioners has the power to:

(1) except as provided in subsection (d), acquire by purchase, devise, gift, lease, or condemnation grounds needed by the school city;

(2) construct or lease buildings for school, school administration, or school office purposes;

(3) employ and pay all employees needed in any branch of the work committed to the board of school commissioners;

(4) disburse, according to law, all money of the school city for all lawful school city purposes;

(5) have and exercise in the school city full and exclusive authority concerning the conduct and management of all common schools, including grade and high schools, and power to establish and enforce all regulations for the grading of and

courses of instruction in all of the schools and for the government and discipline of the schools;

(6) divide the city into districts for school attendance purposes;

(7) maintain special day or night schools to which it may admit adults and children over fourteen (14) years of age; and

(8) maintain playgrounds and vacation schools.

(c) The expense of operating special schools under subdivision (b)(7) and playgrounds and vacation schools under subdivision (b)(8) shall be paid out of the board's general fund. The board may, make and impose such fees as it deems reasonable for:

(1) enrollment of any high school graduate in any of the classes offered in any special schools; and

(2) enrollment by any person over sixteen (16) years of age in any special school class that does not provide credit toward graduation or progression in the regularly maintained common schools in the school city. The receipts from any such fees become a part of the board's general fund.

(d) The board of school commissioners may not acquire by any means the following real property:

Lots 693-719, inclusive, and 7 1/2 feet west of and adjacent to such lots, in Norcliffe Addition, an addition to the city of Indianapolis, as per plat thereof, recorded in plat book 18 at pages 165 and 166, in the Office of the Recorder of Marion County, Indiana.

*(Formerly: Acts 1931, c.94, s.25; Acts 1951, c.46, s.15; Acts 1955, c.307, s.3; Acts 1963, c.121, s.1; Acts 1969, c.283, s.17.) As amended by P.L.193-1985, SEC.2.*

### **IC 20-3-11-25**

#### **School cities; power to sell real estate and transfer of personal property**

Sec. 25. A school city to which this chapter applies shall have full power to sell real estate and to transfer personal property and to execute deeds of conveyance and instruments of transfer thereof, with or without covenants of warranty, whenever, in the opinion of such school city, properly made matter of record on the minutes of its board of school commissioners, such real estate or personal property cannot longer be advantageously used for school or library purposes and can be sold for its fair cash value.

*(Formerly: Acts 1931, c.94, s.26.) As amended by P.L.2-1988, SEC.448; P.L.12-1992, SEC.93.*

### **IC 20-3-11-26**

#### **Absence of board commissioners or employees; reimbursement for expenses**

Sec. 26. The said board of school commissioners shall have power, subject to its rules, to authorize any member of the board or any officer or person in its employ to be absent from such city in the interest of said school city without loss of compensation and shall also have power to refund to the person so absent his necessary

expenses while he shall have been so absent. The amount so to be refunded shall, after being allowed by the board, be paid from the board's "general fund."

*(Formerly: Acts 1931, c.94, s.27; Acts 1951, c.46, s.16; Acts 1969, c.283, s.18.)*

#### **IC 20-3-11-27**

##### **Industrial or manual training and education system; establishment**

Sec. 27. In a school city to which this chapter applies it shall be lawful for the board of school commissioners to establish and conduct in connection with and as part of its common school system a system of industrial or manual training and education, in which system may be taught the principal use of tools and of mechanical implements, the elementary principles of mechanical construction, mechanical drawing, and printing. Such system having been so established, such board of school commissioners shall employ competent instructors in the various subjects to be taught. The board shall establish such general rules and regulations for the admission of pupils to such system wherein such industrial and manual training education shall be taught. Said rules and regulations shall be such as, in the judgment of the board, will produce the best results and as will give instructions to the largest practicable number of pupils. The instruction in industrial and manual training education may be given in space provided in school buildings or in separate buildings as, in the judgment of the board, may be most advantageous.

*(Formerly: Acts 1931, c.94, s.28.) As amended by P.L.12-1992, SEC.94.*

#### **IC 20-3-11-28**

##### **Industrial and trade school properties acquired by gift; maintenance and operation of trade school; transfer tuition charges; laboratory and shop fees**

Sec. 28. Each such board of school commissioners, whenever its school city shall have acquired title to or possession, by gift or donation, of any real estate, buildings and personal property in such city, which property had been used for an industrial or trade school for the education of youths in the trades of printing, lithographing, machine making, moulding, typesetting, brick-laying, tile-setting, pattern making, and pharmacy, or other trades or occupations, may, by the use of its school funds, maintain and operate such industrial or trade school or schools and departments thereof, for teaching the trades above mentioned, and other trades, and said board shall perform any conditions incident to the school city's acquisition of the property. The said school board shall maintain and operate such trade school and such property and shall employ competent instructors in the various subjects to be taught, purchase all necessary tools, implements, supplies and apparatus and establish general rules and requirements for admission of pupils to such school or schools and for the courses of instruction in them and for the conduct of such trade or industrial schools as in the board's judgment will produce the



best results and give instruction to the largest practicable number of pupils, and said school city may also use the property so acquired for other school purposes, but in no way that will materially interfere with the conduct of trade or industrial schools therein.

The transfer tuition charge for each child transferred to said school city from another common school corporation of this state, who shall take any trade or industrial instruction in any such trade or industrial school located on property so acquired by the said school city, shall be the actual per capita cost of operating the school he attends, but in computing such cost nothing shall be included on account of permanent improvements or additions or for the salaries of superintendents or for the cost of apparatus or for the breakage thereof. If said school city shall admit to such trade school and its privileges any child not, by law, entitled to common school privileges, the tuition charge for such child shall not be greater than the per capita cost of operating the school he attends, but in computing such cost nothing shall be included on account of permanent improvements and additions.

Such school city may admit to its vocational, trade or industrial schools nonresidents of the state of Indiana, on the payment of reasonable laboratory and shop fees and a tuition fee of not more than the cost to said school corporation, per pupil, of conducting such vocational, trade or industrial schools, but in computing such cost nothing shall be included as a return on capital invested in buildings, grounds or equipment.

*(Formerly: Acts 1931, c.94, s.29; Acts 1969, c.283, s.19.)*

### **IC 20-3-11-29**

#### **Authority of school cities to accept property in trust**

Sec. 29. Any such school city may accept property, in trust to be used for common school or vocational, trade or industrial school purposes, and, as trustee, whether made such trustee by appointment of a court or by the founder of the trust, may perform such trust in conducting common schools or vocational, trade or industrial schools. If any such school city shall, by resolution of, or other formal corporate action of, its board of school commissioners, accept real estate or other property in trust as above stated, the school city shall perform all requirements made conditions of the trust performable by the trustee.

*(Formerly: Acts 1931, c.94, s.30; Acts 1969, c.283, s.20.)*

### **IC 20-3-11-30**

#### **School lunches; expense**

Sec. 30. Whenever, in the judgment of the board of school commissioners, it will tend to promote the health of school children and thereby advance the educational work of the schools, such board may provide for the serving of lunches to the pupils attending designated schools of the board, and, for such purpose, may establish kitchens and lunch rooms and provide equipment suitable therefor and make all other necessary provision for the furnishing and serving

of lunches, and may also employ a director of such work and such other assistants or employees as may be necessary.

The expense of carrying out the above-mentioned powers shall be borne by the board and paid out of its "general fund." The expense of operating such lunch department shall so far as practicable be paid from charges paid by the pupils for the lunches they take, but the board shall have power in its discretion to furnish lunches without cost to any pupil who is needy and unable to pay for his lunch.

*(Formerly: Acts 1931, c.94, s.31; Acts 1969, c.283, s.21.)*

### **IC 20-3-11-31**

#### **Repealed**

*(Repealed by P.L.12-1992, SEC.198.)*

### **IC 20-3-11-32**

#### **Application of general school laws**

Sec. 32. The general school laws of this state and all laws and parts of laws applicable to the general system of common schools in school cities, so far as not inconsistent with the provisions of this chapter and IC 20-3.1, and unless made inapplicable by IC 20-3.1, shall be in full force and effect in a school city to which this chapter applies.

*(Formerly: Acts 1931, c.94, s.33.) As amended by P.L.2-1988, SEC.450; P.L.12-1992, SEC.95; P.L.340-1995, SEC.52.*

### **IC 20-3-11-33**

#### **School reorganization plans; applicability**

Sec. 33. The provisions of this chapter shall apply to the school city insofar as such provisions are not in conflict with the provisions of IC 20-4-1, and the school reorganization plan applicable to such school city or successor corporation under the terms of IC 20-4-1. Provided, however, that the provisions of section 3.1 of this chapter shall prevail over any conflicting provision of IC 20-4-1 and over the provisions of any such school reorganization plan.

*(Formerly: Acts 1931, c.94, s.35; Acts 1963, c.310, s.4; Acts 1969, c.283, s.23.) As amended by P.L.2-1988, SEC.451.*